

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No. 1:12CR177
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
JEFFREY J. REICHERT,)	
)	PARTIES' JOINT PROPOSED
Defendant.)	<u>VOIR DIRE QUESTIONS</u>
)	

The United States of America, by and through it's counsel, Steven M. Dettelbach, United States Attorney, and Robert W. Kern and Chelsea S. Rice, Assistant United States' Attorneys, and Defendant Jeffrey J. Reichert, by and through his counsel, Darin Thompson, submit the following set of proposed questions to be directed to the jury panel during voir dire examination.

Respectfully submitted,

STEVEN M. DETTELBACH
United States Attorney

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PROPOSED VOIR DIRE QUESTIONS

A. Background Questions

1. Where have you resided during the past ten years? Please specify the state, county, and city/township/village of residence over this period.

2. What is your marital status?

3. Do you have children? If so, please describe the age and gender of each child. Please indicate where your children reside, and describe any employment held by them, their spouses and any grandchildren you have.

4. Please tell us about your educational background, and the educational background of your spouse.

5. Please tell us about your employment history, and your spouse's employment history.

6. Did you serve in the military? If so, did you enlist or were you drafted? What rank did you attain by the end of your military service? Have you ever sat on, or had any involvement in, a military court-martial?

7. Do you belong to any clubs, associations, or civic groups, or do you engage in any substantial volunteer activity? Please list any such organizations and describe the level of your involvement (i.e. volunteer, member, officer or board member, etc.).

B. Questions to Elicit Possible Bias

In the event of positive or affirmative responses to the following questions, the juror should be asked if the circumstances are such as to impair his or her ability to serve impartially in this case.

8. Do you or any relatives or close friends know the defendant, Jeffrey J. Reichert, or any members of the defendant's family?

9. Do you or any relatives or close friends know any of the participants in the trial:

a. Judge Donald C. Nugent, or any member of Judge Nugent's staff, including the Courtroom Deputy Clerk, his law clerks or his judicial assistant(s);

b. Attorney Darin Thompson, or anyone employed by, or associated with, Attorney Darin Thompson's law office in Cleveland, Ohio;

c. Assistant U.S. Attorneys Robert W. Kern and Chelsea S. Rice, or any other attorneys or support personnel employed by, or associated with, the United States Attorney's Office for the Northern District of Ohio;

d. Special Agent Jason Santana of the United States Department of Homeland Security, Offices of Immigration and Customs Enforcement, or any other agents or support personnel of the Offices of Immigration and Customs Enforcement;

10. Do you or any relatives or close friends know anyone employed by, or have any connection with, any of the following entities:

a. United States Department of Homeland Security, Offices of Immigration and Customs Enforcement;

b. Nintendo;

c. Microsoft; or

d. Sony.

11. Do you or any relatives or close friends know, or have you known, any of the following individuals:

a. Jason Allen;

b. Dylan Rhoads;

c. Micah McCombs;

d. William Engel;

e. Sandra Tirey;

f. Robert Johnson;

g. Nick Coleman; or

h. Kevin Belcick

(The United States and Defense may supplement this list after further trial preparation.)

12. Have you ever been a juror in a civil or criminal case? If so, please describe the type of case, time and place of the trial, whether you were foreperson, and whether you had

participated in a deliberations resulting in a jury verdict. If so, what was the jury's verdict in the case?

13. Have you ever served on a grand jury? Federal or state?

14. Have you or any relatives or close friends ever been investigated, arrested, charged, or convicted in any criminal case, except minor traffic offenses? (A minor traffic offense is an offense not involving death or the use of alcohol.) If so, please provide details concerning nature of charges and the final resolution of the charges. Were you satisfied with law enforcement's handling of the matter? Were you satisfied with the way the judicial system handled the matter? Do you believe that you, your relative or close friend were treated fairly?

15. Have you or any relatives or close friends ever been a victim of a crime? If so, please provide details.

16. Have you ever been a party to a lawsuit or have you ever been a witness in a trial, grand jury, or other legal proceeding?

17. Have you or any of your relatives or close friends ever been employed by any prosecutor's office, law enforcement agency, or other governmental agency, whether at the federal, state or local level? If so, please provide details.

18. Have you or any of your relatives or close friends been employed by anyone involved in criminal defense work, such as private defense attorneys, public defenders, private investigators, or jury consultants? If so, please provide details.

19. Have you or any of your relatives or close friends ever had any dispute with the United States government, such as filing a claim against the government, having a claim filed against you by the government, or having a penalty assessed against you? If so, please provide details.

20. Have you, any family members or close friends ever been denied any type of permit or license by any agency of the United States government? If so, please provide details.

21. What is the first thing that comes to mind when you think of: (a) prosecuting attorney; and (b) defense attorney?

22. Do you now, or have you ever had a bumper sticker on your vehicle? If so, what was the saying on the bumper sticker?

23. Do you own or have a game console (such as Nintendo Wii, Microsoft Xbox, or Sony Playstation)? If so, how often do you use the game console? For what purposes?

24. Do you, any of your family members, or close friends have specialized knowledge or experience in computers or gaming consoles?

25. Do you have any experience or background in engineering or electrical work? This need not be any formal education, but may include any hobbies, chores, or repairs? If so, please provide details.

26. Have you ever installed software on a game console or computer?

27. Have you ever used a Nintendo Wii? If so, how often?

28. Do you feel that the copyright laws of this country are in any manner unconstitutional or unfair, such that they should not be enforced by the government?

29. Have you or any family members ever belonged to any group, society, or organization that supports changes in either federal or state laws concerning access to or distribution of copyrighted media (such as music, movies, or video games)?

30. Are you familiar with internet discussion forums such as xBoxScene or other “gaming” internet discussion forums? How are you familiar with these websites?

31. Have you or any family member ever been accused of unlawful or unauthorized access to or distribution of music, movies, video games, or software?

32. Do you know anything about the defendant in this case or anything about the subject matter of this trial? If so, please provide details.

C. Jurors’ Ability to Serve, and Willingness to Serve Impartially

33. Do you have any health problems or any impairment of your sight or hearing that would make it difficult for you to serve as a juror in this case? If so, please provide details.

34. Does any member of your immediate family have any medical or personal problems of such a nature that it would interfere with your ability to serve as a juror in this case? If so, please provide details.

35. If selected to serve as a juror in this case, is there any reason you could not be fair to the United States, or to the defendant, because the case involves charges trafficking in devices primarily designed to circumvent copyright protection features on game consoles? If so, please provide details.

36. (The Court is requested to explain generally the laws to the burden of proof, presumption of innocence, the duty to follow the Court’s instructions and to decide the case only on the evidence in law presented, the duty to deliberate based on one’s own conscience giving

due respect to the opinions of others only after hearing all evidence and instructions, and then determine if each juror understands these principles and is fully willing to abide by them).

37. Do you have any mental reservations or beliefs that prevent you from sitting in judgment concerning another person? If so, please provide details.

38. Do you know any other reason why you cannot serve fair and impartially in this case? If so, please provide details.

39. Do you have any vacation, work meetings, or other significant life events planned for this week?

40. Is there anything else about you that you believe that the parties should know about? If so, please provide details.

Respectfully submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2013, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Chelsea S. Rice
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Assistant U.S. Attorney